

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re:	)	Chapter 11
	)	
Circuit City Stores, Inc., <u>et al.</u> ,	)	Case No. 08-35653
	)	
Debtors.	)	(Jointly Administered)

**NOTICE OF MOTION  
FOR 2004 EXAMINATION OF  
CREDITOR, GREEN 521 5<sup>th</sup> AVENUE, LLC  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

**PLEASE TAKE NOTICE** that Creditor, Schimenti Construction Company, LLC (“Movant” or “Schimenti Construction”), by counsel, has filed with the Court a Motion for 2004 Examination and Request for Production of Documents seeking an Order directing Creditor, Green 521, 5th Avenue, LLC (“Green 521”), to appear for examination and produce documents pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Motion”).

**YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

**No Hearing has yet been set to consider this Motion.**

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then within **five (5) business days** you or your attorney must:

[X] Send to the parties listed below at least 15 days written notice of a hearing, which may be set on any regularly-scheduled motion day of the judge assigned to the case. If necessary, you may obtain a list of such dates by telephone from the clerk’s office. The original and one copy of the notice must be filed with the clerk, accompanied by a motion day cover sheet, a copy of which may be obtained from the clerk. If you are not represented by an attorney, you may instead file with the clerk a written request for hearing. If you mail your request for hearing to the court for filing, you must mail it early enough so the court will **receive** it on or

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Tara L. Elgie (Va. Bar No. 48259)  
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*Counsel for Schimenti Construction Company, LLC*

before **February 12, 2009**. The address of the clerk's office is as follows:

U.S. Bankruptcy Court  
701 East Broad Street  
Richmond, VA  
23219-1888

[X] File with the Court, at the address shown above, a written response with supporting memorandum pursuant to Local Bankruptcy Rules 9013-1(H). **Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.** If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before **February 12, 2009**.

1. You must also mail a copy to:

Tara L. Elgie  
LeCLAIR RYAN, A Professional Corporation  
225 Reinekers Lane, Suite 700  
Alexandria, VA 22314

If you or your attorneys do not take these steps, the Court may deem any opposition waived, treat the request as conceded, approve the Motion, and enter an Order granting the requested relief without further notice or hearing.

CREDITOR,  
SCHIMENTI CONSTRUCTION  
COMPANY, LLC

/s/ Tara L. Elgie  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of February 2009, a true and accurate copy of the foregoing *Notice of Motion for 2004 Examination of Creditor, Green 521 5th Avenue, LLC* was electronically filed with the Clerk of the Bankruptcy Court for the Eastern District of Virginia, Richmond Division, using the CM/ECF system, which thereby caused the above to be served electronically on all registered users of the ECF system that have filed notices of appearance in this matter, and mailed, by U.S. Mail, first class, postage prepaid, to all persons appearing below:

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